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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,571	03/20/2000	Bill E. Williams	BS99-191	6194
28970	7590	03/16/2004	EXAMINER	
SHAW PITTMAN IP GROUP 1650 TYSONS BOULEVARD SUITE 1300 MCLEAN, VA 22102			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 03/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application N .</b> 09/531,571	<b>Applicant(s)</b> WILLIAMS ET AL.
	<b>Examin r</b> JAGDISH N PATEL	<b>Art Unit</b> 3624 M 4

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 March 2000 and 07 January 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) \_\_\_\_\_ is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) 1-32 are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

**DETAILED ACTION*****Election/Restrictions***

1. Amendment submitted 1/7/04 has been recorded in the application. Accordingly, claims 1-32 are amended per request and are pending. Upon further consideration, the and are deemed subject to election/restriction requirements as outlined in the following paragraphs.
2. A telephone call was made to Att. Joanne H. Kim on 3/15/04 to request an oral election to the above restriction requirement, but did not result in an election being made.
3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
4. Restriction to one of the following inventions is required under 35 U.S.C. 121:

**Group I.** Claims 1-10 are drawn to a method for notifying an electronic billing vendor of customer status changes which comprises process steps of invention I including, flagging entries, in an update file..., searching the update file for the flagged entries..., reformatting the

flagged entries.. where searching the update file looks first for the flagged entries, and looks second for the account changes among the flagged entries.

**Group II.** Claims 11-16 are drawn to a computer system which comprises a database, a search application module which searches the service order activities stored in the database for entries that corresponds both to customers of an electronic billing vendor and to service order activities that affect account numbers, a format application module in communication with the search application module which places the entries in a format compatible with the electronic billing vendor.

**Group III.** Claims 17-24 are drawn to a method for notifying an electronic billing vendor of customer status changes which comprises changing customer services, recording the changed services in a customer billing system, flagging the changed services and downloading a period of the changed services to an update file.

**Group IV.** Claims 25-28 are drawn to an application for notifying an electronic billing vendor of customer status changes which comprises a file of service order activities which provides indicators for service order activities corresponding to electronic billing customers

and provides indicators for service order activities corresponding to account changes that affect account numbers and wherein a search application searches for the indicators.

**Group V.** Claims 29-31 are drawn to a computer system for notifying an electronic billing vendor of customer status changes which comprises a web application module in communication with an electronic billing account database, wherein the web application module accesses electronic billing accounts in stored in the electronic billing account database to post billing information on a website.

**Group VI.** Claim 32 is drawn to a method for notifying an electronic billing vendor of customer status changes which comprises process steps of invention I including, flagging entries, in an update file..., searching the update file for the flagged entries..., reformatting the flagged entries..., matching the account numbers to electronic billing account numbers in an electronic billing account database of the electronic billing vendor and updating the electronic billing account numbers with information from the flagged entries that indicate account changes.

5. Inventions I-VI are related as (1) combination and subcombination and (2) process and apparatus for its practice as follows:

Inventions of groups I, III and VI are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). As is evident from the distinct functionality of each of the method groups as outlined above, it is evident that each subcombination has utility by itself and that each group has feature(s) that are not required in other combination.

Inventions in groups I, III and V (method or process) are related to groups II, IV and V (system or apparatus) as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). As outlined above the process claimed in each of groups I, III and V can be

practices by another materially different apparatus or by hand than the apparatus of groups II, IV and V.

Based on the foregoing analysis it is asserted that each group of invention would require separate search of its own imposing undue burden on the examiner.

6. Because these inventions are distinct for the reasons given above and the search required for Group I-VI is not required for other groups, restriction for examination purposes as indicated is proper.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837.

The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes may be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7<sup>th</sup> Floor, Alexandria VA 22202.



Jagdish N. Patel

(Primary Examiner, AU 3624)

3/15/04